

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

VINCENT P. MONA

Plaintiff,

v.

DAVID F. MCKAY

Defendant.

*

*

*

Civil Action No. 8:21-cv-01017-PJM
Judge Peter J. Messitte

*

*

* * * * *

DEFENDANT’S STATUS REPORT

Defendant, David F. McKay (“Mr. McKay”), by counsel, Carr Maloney P.C., submits this Status Report pursuant to the Court’s Scheduling Order issued October 15, 2021.

A. Discovery is closed as of this date. Documents have been exchanged and six depositions have been taken by the parties. Plaintiff has filed discovery against third-parties which appears to primarily relate to the Delaware litigation, not issues in the instant case. One of the Subpoenas was issued to the accounting firm for Mona Electric Group (“MEG”) which could have been issued at any time in this litigation after the initial Scheduling Order was entered. The same applies for documents requested from Clark Construction and MEG itself. Now, after the close of discovery, Plaintiff is contending that additional documents should be produced.

Plaintiff was late with their initial request for written discovery and they are late in moving to compel discovery from third-party witnesses at this time. As the Scheduling Order indicates, “[a]n extension of the deadline will not be granted because of unanswered discovery requests.”

B. Plaintiff has filed a Motion to Compel discovery from third-party defendants as reflected above. Plaintiff should have done so earlier in the litigation or earlier within the sixty (60) day period allowed for discovery.

C. Defendant will file a dispositive pretrial motion.

D. Plaintiff has requested a jury trial. It is expected that the trial will take at least ten (10) days.

E. There have been no settlement negotiations. Plaintiff has not made a demand for settlement. Defendant has previously advised the Court that it was open to mediation, but Plaintiff has never responded to that suggestion.

F. Defendant believes it would be appropriate to refer this matter to another Judge of this Court to assist with mediation.

G. Defendant does not consent to having a Magistrate Judge conduct proceedings other than mediation.

H. Defendant contends that Plaintiff has improperly asserted privilege with respect to investigations conducted by Plaintiff's son, Mark Mona, and potentially will file a motion with respect to same in the near future. This issue surfaced at a deposition this past Friday, December 10, 2021.

DAVID F. McKAY
By Counsel

/s/ Paul J. Maloney
Paul J. Maloney, 02026
Carr Maloney P.C.
2000 Pennsylvania Avenue, NW, Suite 8001
Washington, D.C. 20006
(202) 310-5500 (Telephone)
(202) 310-5555 (Facsimile)
paul.maloney@carrmaloney.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Status Report was e-filed on this 13th day of December, 2021 to:

Dennis Whitley, III, Esquire
Shipley & Horne, P.A.
1101 Mercantile Lane, Suite 240
Largo, Maryland 20774

Adam S. Taylor, Esquire
Taylor, McCormack & Frame, LLC
267 Commercial Street
Portland, Maine 04101

Aaron Sims, Esquire
Timothy R. Dudderar, Esquire
Potter Anderson & Corroon, LLP
1313 North Market Street
Wilmington, Delaware 19801

/s/ Paul J. Maloney
Paul J. Maloney